

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8263 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA Sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?  
Nos 1 to 5 No.

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A'BAD EDUCATION PUBLIC TRUST

Versus

HARKANTBHAI G BHATT

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Appearance:

MR.B.P.TANNA, SENIOR ADVOCATE WITH MR VH DESAI for Petitioner  
MR RK MISHRA for Respondents No. 1 to 16.

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CORAM : MR.JUSTICE M.R.CALLA

Date of decision: 26/11/96

ORAL JUDGEMENT

Rule. Mr.Mishra waives service of the Rule on behalf of respondents no. 1 to 16. Respondent No.17 Administrative Officer, Nagar Prathmik Shikshan Samiti, Surat is only a formal party and as prayed by Mr.Tanna and agreed by Mr.Mishra the service of Respondent No.17 is dispensed with.

This Special Civil Application is directed against the interlocutory order passed by the Gujarat Primary Education Tribunal in Application Nos. 294 of 1996 to 309 of 1996. By this interlocutory order the tribunal has directed that the applicants before the tribunal i.e. Respondents No. 1 to 16 herein shall be treated to be continuing in service as they were continuing prior to passing of the order of their termination on account of being rendered surplus i.e. the orders passed with regard to Respondents No. 1 to 16 on 22.7.1996. Accordingly all these 16 respondents are to be paid the salary for the period on and from 22.7.1996. The main applications filed by these 16 respondents before the tribunal are pending for final disposal while this interlocutory order dated 8.10.1996 is under challenge in this Special Civil Application.

Having heard both the sides, without expressing any opinion on the merits of the case as per the agreement of both the sides, the following order is passed to be operative during the pendency of the main application before the tribunal.

[1] Respondents No. 1 to 16 will be taken back in the services of the petitioner trust and will be paid their due amount of salary for the period on and from 22.7.1996 upto the end of November, 1996 on or before 7.12.1996.

[2] The tribunal shall decide the main application within a period of three months i.e. by the end of February, 1997 and during this period also the respondents shall be paid their regular salary in time for the period upto the end of February, 1997.

[3] The Respondents shall not insist for assignment of any work although it will be open for the petitioner trust to take work from these respondents no.1 to 16.

[4] Both the sides agree not to hamper the proceedings before the tribunal in any manner and would co-operate the tribunal for expeditious disposal of the main application by the end of February, 1997. The tribunal shall decide the main applications in accordance with law.

This Special Civil Application is decided accordingly in the terms agreed as above between the parties. Rule is made absolute accordingly. No order as

to costs.

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